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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,859	05/25/2000	Timothy A. Musgrove	004600.P001	7718

7590 07/08/2004

NIXON PEABODY LLP  
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MCLEAN, VA 22102

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/579,859

Applicant(s)

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004 & 10 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1, 2, 4-6 and 8-32 are pending. Pursuant to Applicant's April 9, 2004 and February 10, 2004 papers submitted, the previous rejections are withdrawn.

#### *Claim Rejections - 35 USC § 103*

2. Claims 1, 2, 4-6 and 8-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfurcht et al., US 6,600,497.

Gottfurcht discloses a database where a plurality of products, e.g. cols. 7-8, lines 65-12, are ranked, using feature category identifiers, e.g. cost, that may be obtained using a computer arrangement. Gottfurcht does not specifically state that increase weighted importance of a feature category is selected. However, it is noted that one may reasonably interpret the selection criteria used by Gottfurcht, e.g. cost in view of quality, to be construed as a weighted feature of importance. It is noted that ranking systems, e.g. Consumer Reports, assign evaluative metrics to each feature in each feature category.

To have provided a weighted selection criteria for Gottfurcht would have been obvious to one of ordinary skill in the art. Doing such would implement common knowledge and well known selection criteria used when purchasing a product.

Regarding the scale score of rankings, it is common knowledge to rank a product by various scales, e.g. 1 to 5, when determining the desirability of a product. To have provided a score between 0 and 100 to each feature category for Gottfurcht, would have been an obvious

design choice for one of ordinary skill in the art. Doing such would implement an obvious variant used to select a certain product, e.g. child category. Likewise, to allow for parental control via links to the information requested would have been obvious to one of ordinary skill in the art. Such selection criteria is common knowledge, e.g. parental control over a child's book/movie selection option, within the art. Doing such for Gottfurcht would be an obvious extension of this common knowledge data control apparatus. The remaining features recited in the dependent claims are deemed contained within the list of products (that may be reviewed from Consumer Reports) as disclosed by Gottfurcht in combination with the common knowledge implementation of ranking and controlling the dissemination of such information, e.g. content based upon child/parent category.

3. Further pertinent references of interest are noted on the attached PTO-892.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Rudy  
July 1, 2004